

General Volume
Monitoring & Compliance Section

State Responsibility: Civil Rights Compliance (1.05600)

ER# 1.05600

Authority 2008 7CFR 246.8; FNS Instruction 113-1
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POLICY: The State agency shall ensure all Local WIC Providers (LWPs) comply with state and federal Civil Rights requirements by providing equal access to WIC services to all state residents regardless of race, color, national origin, sex, religion, age or disability. The Missouri WIC program provides WIC benefits regardless of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

PROCEDURES:

A. Assurance

1. The State agency shall monitor each LWP who is receiving federal funds for provision of WIC services for compliance with State and Federal Civil Rights laws.
 - a. The State agency shall monitor WIC clinics, including satellites sites to ensure they are accessible to disabled persons per monitoring requirements in USDA policy 246.19(b)(3).

B. Public Notification

1. The State agency shall include these 3 elements in their annual public notification: Program availability, complaint information, and nondiscrimination statement in local newspapers and to the extent possible in other media such as Internet, radio and television, letters, brochures, and computer-based applications, and grassroots organizations. Public announcements must include program availability, hours of operation, location of clinics, how to file a complaint, and the WIC nondiscrimination statement.
 - a. In the first quarter of each fiscal year, the State and each LWP shall provide the public media in the appropriate service area with an annual news release.
 - b. That informs the public of the availability of WIC program benefits, discusses the eligibility criteria for participation and gives the location of local agencies operating the WIC program with emphasis on reaching and enrolling eligible women in the early months of pregnancy and migrants.

- c. The state will post the notice on the Department of Health and Senior Services (DHSS) web site.
 - d. Maintain for audit a file of all news releases sent to the media.
- 2. The State agency shall inform potentially eligible persons, applicants, participants, and grassroots organizations (particularly those in underserved populations), of program availability or changes.
- 3. The State agency shall provide appropriate information, including Web-based information, in alternative formats for persons with disabilities.
- 4. The State agency shall include the required non-discrimination statement on all appropriate FNS and agency publications, Web sites, posters, and informational materials provided to the public.
- 5. The State agency shall convey the message of equal opportunity in all photographic and other graphics that are used to provide program or program-related information.
- 6. The State agency shall provide the following civil rights posters required for prominent display by the LWP so it can be seen by all WIC applicants and participants:
 - a. USDA " ... And Justice for All" posters
 - b. [Missouri Fair Hearing poster](#). Refer to [ER# 1.06800](#).

C. [Limited English Proficiency \(LEP\) Materials](#)

- 1. The State agency shall take reasonable steps to ensure meaningful access to the information and services they provide by considering:
 - a. the number or proportion of LEP persons served in the eligible population,
 - b. the frequency with which LEP persons come in contact with the program,
 - c. the nature and importance of the program, activity, or service provided by the program, and
 - d. the resources available to the recipient and costs.
- 2. The State Agency shall provide information in appropriate languages when a significant number of the population to be served needs service or information in a language other than English in order to effectively participate in the WIC Program. This applies to required Program information except certification forms which are used only by local agency staff.
- 3. The State agency shall also ensure that all rights and responsibilities are read or provided in writing to the applicant in the appropriate language.

D. USDA Non-Discrimination Statement

- 1. The State agency shall ensure the following statement is included on all publications, outreach materials, handouts, referral materials, leaflets and brochures that identify or describe the WIC program:

The U.S Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).

If the material is too small to include the full statement, the material will at a minimum include the following statement, in a font size no smaller than the printed material: "USDA is an equal opportunity provider and employer."

2. The State agency shall ensure the discrimination statements are available in English and in other languages appropriate to the local population, and in alternative means of communication.

E. Data Collection

1. The State agency shall collect and report racial and ethnic data with regards to applicants, participants, and potentially eligible populations and maintain on file for a period of three years.
2. The State agency shall require all LWPs to collect and report racial and ethnic data for all applicants/participants.
3. For information on LWPs collecting racial and ethnic Data, refer to the Civil Rights module.

F. Discrimination Complaint Process

1. The State agency shall inform applicants and participants of their right to file a complaint of discrimination within 180 days of the alleged discriminatory action if they believe that they have been denied services or were treated differently in regard to race, color, national origin, sex, religion, age or disability.
2. The State agency will design, maintain and provide the Missouri Department of Health and Senior Services (MDHSS) Complaint of Discrimination Form. The State agency will provide LWP procedures on how to file a Complaint of Discrimination received from an applicant/participant.

3. The Verbal complaints must be accepted and written up by program staff.
4. The State agency shall maintain a Civil Rights complaint folder that contains documentation of all civil rights complaints received.

G. Civil Rights Training

1. The State agency will design, maintain and provide Civil Rights training annually to LWPs, State Agency staff and sub recipients completing the Civil Rights web-based training module.
 - a. Training subject matter must include at a minimum: collection and using racial/ethnic data; effective public notification systems, complaint procedures, review techniques, resolution of non-compliance, including development of an action plan; requirements of reasonable accommodations of persons with disabilities; requirements for language assistance; conflict resolution; and customer service.
2. The State Agency is required to complete civil rights training within 60 days of date of hire.
3. Training subject matter must include at a minimum: collection and using racial/ethnic data; effective public notification systems, complaint procedures, review techniques, resolution of non-compliance, including development of an action plan; requirements of reasonable accommodations of persons with disabilities; requirements for language assistance; conflict resolution; and customer service.
4. Training records including post tests, training outlines, dates, attendance log, and subject matter must be retained on file for a minimum of 3 years.
5. The State agency shall monitor that all LWP staff have completed the Civil Rights training. Refer to [ER# 1.01550](#).

H. Compliance Reviews

1. Coverage and frequency
 - a. State agencies must review local agencies for civil rights according to regulatory requirements.
 - b. Local agencies must review sub recipients for civil rights according to regulatory requirements.
2. Selection criteria
 - a. Indicators may be based on unusual fluctuation in participation of racial or ethnic groups in a service area,
 - b. The number of discrimination complaints filed against the agency,
 - c. Information from grassroots organizations, advocacy groups, Individuals, State officials, or other interested parties,
 - d. Unresolved findings from previous civil rights reviews.
3. Review content

I. Equal Opportunity for Religious Organizations

1. The State agency shall ensure that no Faith-Based or Community-based Organizations participating in USDA programs will be discriminated for or against on the basis of religion, religious belief, or religious character in the administration or distribution of Federal funds.
2. Religious organizations are allowed to retain their independence and carry out their mission as long as direct USDA funds do not support it.
3. Faith-based organizations can use space in their facilities to provide USDA-funded services without moving religious items.
4. No organization can discriminate against a program beneficiary, or prospective beneficiary, on the basis of religion or religious belief.